

10/568671

IAP20 Rec'd PCT/PTO 17 FEB 2006
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q93246

Satoko YAMAHIRA, et al

Appln. No.: National Stage of PCT/JP2004/012136

Confirmation No.: Unknown

Group Art Unit: Unknown

Filed: February 17, 2006

Examiner: Unknown

For: LACTIC ACID BACTERIA CAPABLE OF STIMULATING MUCOSAL IMMUNITY

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

A copy of an International Search Report in a counterpart application is submitted herewith. The USPTO should receive copies of the references cited in the International Search Report from the International Bureau. Applicant will furnish any missing references upon request.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action

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Appln. No.: National Stage of PCT/JP2004/012136
Attorney Docket No. Q93246

on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents (International Search Report for PCT/JP2004/012136 dated October 12, 2004), together with an English-language version (if not already included) of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

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Attorney Docket No. Q93246

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Registration No. 30,764

Date: February 17, 2006

Substitute for Form 1449 A & B/PTO <u>INFORMATION DISCLOSURE</u> <u>STATEMENT BY APPLICANT</u> <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number	National Stage of PCT/JP2004/012136	
			Confirmation Number	Unknown	
			Filing Date	February 17, 2006	
			First Named Inventor	Satoko YAMAHIRA	
			Art Unit	Unknown	
			Examiner Name		
			Attorney Docket Number	Q93246	
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US			
		US			
		US			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		JP	2002-80364	A	03/19/2002	TAKEDA FOOD PRODUCTS, LTD.	
		JP	10-114667	A	05/06/1998	TAKEDA FOOD PRODUCTS, LTD.	
		JP	6-501624	A	02/24/1994	PROBI AB	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		T. IKENAGA, ET AL., "ENHANCEMENT OF HOST RESISTANCE AGAINST SALMONELLA TYPHIMURIUM IN MICE FED A DIET SUPPLEMENTED WITH MILK FERMENTED WITH LACTOBACILLUS PLANTARUM.," MILK SCIENCE, Vol. 51, No. 1, (2002), pages 27 to 32	
		Y. MAO, ET AL., "INTESTINAL IMMUNE RESPONSE TO ORAL ADMINISTRATION OF LACTOBACILLUS REUTERI R21LC, LACTOBACILLUS PLANTARUM DSM9843, PECTIN AND OATBASE ON METHOTREXATE-INDUCED ENTEROCOLITIS IN RATS.," MICROBIAL ECOLOGY IN HEALTH AND DISEASE, Vol. 9, No. 6, (1996), pages 261-269	
		MARIA E. BIBAS BONET, ET AL., "OPTIMAL EFFECT OF LACTOBACILLUS DELBRUECKI SUBSP. BULGARICUS, AMONG OTHER LACTOBACILLI SPECIES, ON THE NUMBER OF IgA AND MAST CELLS ASSOCIATED WITH THE MUCOSA IN IMMUNOSUPPRESSED MICE.," FOOD AND AGRICULTURAL IMMUNOLOGY, Vol. 11, No.3, (1999), pages 259-267	
		M.V. HERIAS, ET AL., "IMMUNOMODULATORY EFFECTS OF LACTOBACILLUS PLANTARUM COLONIZING THE INTESTINE OF GNOTOBIOTIC RATS.," CLIN. EXP. IMMUNOL., Vol. 116, No. 2, (1999), pages 283-290	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.